IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 4882 of 1998

Between:

K.Tirupathaiah S/o.t.Nagabhushanam
R/o.37-107 , Vallabhnagar , Wanaparthy Mahabubnagar Dist

..... PETITIONER

AND

1 A.P.State Road Transport Corporation Rep by its Managing Director
Mushirabad , Hyderabad -20
2 The Regional Manager, APSRTC , Mahabubnagar Region Mahabubnagar

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ , order or direction , particularly one in the nature of writ of Mandamus , declaring that the action of 2nd respondent in not considering the case of the petitioner for appointment to the post of conductor and not communicating the result of the interview held on15-5-92 and orally informing that the case of the petitioner was not considered on the ground that the declaration from was not enclosed along with the application is illegal , unjust , contrary to law in violation of Principles of natural Justice and Violation of Articles 14, 16,and 21 of the constitution of India ; and grant all consequential benefits.

For the Petitioner: MR.A.K.JAYAPRAKASH RAO, ADVOCATE

For the Respondent No.: MR.K.HARINATH, SC for APSRTC

The Court made the following :

ORAL ORDER

This Writ Petition is filed by the petitioner seeking a direction in the nature of Mandamus to declare that the action of the 2nd respondent in not considering the case of the petitioner for appointment to the post of Conductor and not communicating the result of the interview held on 15.5.1992 and orally informing that the case of the petitioner was not considered on the ground that the declaration form was not enclosed along with the application, as illegal and arbitrary.

The case of the petitioner is that his father was appointed in the respondent-corporation as a Conductor on 1.1.1967 and retired from service on attaining the age of superannuation on 30.4.1997. While he was working, he made an application on 16.4.1992 seeking to provide employment to his son i.e. the petitioner herein as per the circulars issued by the respondent-corporation. Pursuant to the said application, the petitioner was interviewed on 15.5.1992, but the result of the interview was not communicated. On his repeated requests, in the month of January, 1998 the petitioner was orally informed that his case was not considered on the ground that his father did not enclose the required declaration form along with the application. At that juncture, the petitioner has approached this Court and filed the present writ petition.

Learned counsel for the petitioner has brought to my notice a judgment of this Court in W.A. No. 384 of 1998, wherein a Division Bench of this Court, while disposing of the said Writ Appeal, directed the respondents to consider the appellant-writ petitioner's case in accordance with law as and when there is any vacancy for the post for which he has made application along with other candidates**.** According to the learned counsel, the petitioner is similarly placed and he is entitled for such a relief.

Heard both the learned counsel.

In the light of the said judgment passed by the Division Bench of this Court, I deem it appropriate to direct the respondents-corporation to consider the case of the petitioner in accordance with law as and when there is any vacancy for the post for which he has made application.

This writ petition is accordingly disposed of. No order as to costs.

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13th August, 2004

vp

ASST. REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Managing Director, A.P. State Transport Corporation, Musheerabad, Hyderabad,
2. The Regional Manager, A.P.S.R.T.C. Mahabubnagar region, Mahabubnagar
3. 2 C.Cs to Sri K. Harinath, Sstanding Counsel for APSRTC, Hyderabad,
4. 2 C.D copies.